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Kirton & McConkie  
1800 Eagle Gate Tower  
60 East South Temple  
Salt Lake City, Utah 84111

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**AUG 01 2005**

**OFFICE OF PETITIONS**

In re Application of  
Ronald B. Wells  
Application No.09/822,917  
Filed: March 30, 2001  
Attorney Docket No.13148.8

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DECISION  
ON PETITION  
37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 2005, to revive the above-identified application. The instant application became abandoned for failure to reply to the office action of July 16, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 17, 2004.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3).

Petitioner has met the requirements for filing a grantable petition under 37 CFR 1.137(b) including (1) the reply (response); (2) the petition fee of \$750.00 (for a small entity); and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed July 16, 2004 is accepted as having been unintentionally delayed.

This matter is being referred to Technology Center Art Unit 2157 for appropriate action on the concurrently filed response.

Any questions concerning this matter may be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

Brian Hearn  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy